

ABOUT GROWTH

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**WASHINGTON STATE
COMMUNITY, TRADE AND
ECONOMIC DEVELOPMENT**

Building Foundations for the Future



Kennewick develops matrix to sort out city's permit system

By Sam Good
Kennewick Planning Director

In Kennewick, we found it helpful to do some process-sorting when we began our permit work under ESHB 1724. We developed a matrix to more easily show what's being proposed to the council and others. We analyzed our existing processes to determine:

1. How long is the required public comment period for each type of approval?
2. Is there an open record pre-decision meeting?
3. Is there an open record hearing?
4. Who has the responsibility for making the decision for granting or denying?
5. Who is responsible for the open record appeal, if any?
6. Who has the responsibility for the closed record appeal?
7. Is there a second level for open record appeals?

We took all permits and went through the seven categories. Then we took the proposed process based on ESHB 1724 using the same categories, making judgments about where the best place would be for one open record hearing to occur, and the best body to make certain decisions. We relied on state law to guide us in making some of those judgments. I recommend getting all the application types down on paper so everyone will have "quick-reference" sheets to help them learn the new processes.

Another thing I encourage is to recognize three main categories of land use related actions:

- Administrative approvals usually are performed by staff and don't involve

a hearing. Building permits, home occupations, and lot line adjustments are examples.

- Legislative approvals require a change in the city code or an adopted plan. These typically involve a public hearing; have broad, community-wide implications; form the foundation for parcel-by-parcel decisions; and are not subject to ESHB 1724 because they are on another level from permits.
- Quasi-judicial approvals require a public hearing and sometimes require additional unique conditions, such as mitigation measures. These include individual parcel rezones, variances, conditional use permits, and shoreline permits. These applications often have environmental reviews connected with them and "cry out" for streamlining.

Each jurisdiction must decide how best to deliver the one-hearing, one-appeal, 120-day guarantee for their own situation based on a combination of three things: state law, professional knowledge, and local political experience.

Currently, in Kennewick, the staff makes the final decision on lot line adjustments, accessory apartments, home occupations, mobile home, in-fills, site plans, and short plats. No open record hearings occur. If the staff decision is appealed, it formerly went to planning commission, but will now go to board of zoning appeals as an open record appeal. If your jurisdiction isn't using staff as a way to cut through the simple straightforward kinds of decisions, you might consider it as one way of accelerating your process.

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ABOUT GROWTH

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Mike Fitzgerald, Director
Steve Wells, Assistant Director
Holly Gadbaw, Planner
Rita R. Robison, Editor

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Permit reform continues journey to a more responsive land use system

By Steve Wells

Assistant Director, CTED Growth Management Services

For local governments just catching their breath after completing their first comprehensive plans and development regulations under the Growth Management Act, the requirement to revamp their permit systems by March 1996 may seem like a heavy burden.

However, work by the cities of Mill Creek, Kennewick, and Olympia and Pierce and Clark counties shows that local governments can make good progress in a short period of time to streamline their permit processes.

This newsletter offers articles on the work of these local governments, recipients of \$150,000 in CTED grants, to develop consolidated, integrated permit systems under ESHB 1724. (The conference schedule shown below will feature permit system revisions.)

We see ESHB 1724 as a continuation of regulatory reform efforts already underway in the state. It is, in the post-Referendum 48 era, the responsible response to improving regulatory fairness. Making our regulatory structure more fair while retaining its effectiveness, is a "train" that left the station in 1990. We have been hard at work for five years now, since adoption of the GMA which included private property rights and permitting goals.

The train gained speed with the Regulatory Reform Task Force that produced ESHB 1724 and will get even further along with the work of the Land Use Study Commission (see page 3). The task force had, and now the study commission has to an even larger degree, a broad enough scope to deal with the regulatory fairness issues and concerns in their larger context.

I believe one of the flaws of Referendum 48 was that it was too simple and too narrow a response to a much larger and

more complex issue. You cannot solve land use issues by taking "takings" out of context.

That context includes considering other community goals as well as concern for private property rights. So the Land Use Study Commission is the current forum for the regulatory fairness debate and the commission's process will be thoughtful, deliberate, fair, and open. If people want to get involved in land use issues and solutions, the study commission is the vehicle they should focus on.

The quick fixes being offered and played up in the media won't achieve the meaningful solutions that thoughtful regulatory reform debate will bring.

ESHB 1724 sets forth a process and procedures for a coordinated, integrated permit system that will be evaluated in the next three years for its effectiveness. Some planners think the process that is set forth could be improved to better accommodate small communities or slower growing communities. (See page 6 for comments on ESHB 1724.)

Permit Conferences in January 1996

Three conferences on permit regulatory reform will feature speakers from the five communities that received grants this fall from CTED to develop models for consolidated, integrated permit systems under ESHB 1724.

Conference Dates and Cities

- January 10 Mount Vernon — 9 a.m. to noon.
Part of the NWAPA Chapter all day meeting.
- January 18 Moses Lake — 9 a.m. to 2 p.m.
Part of DNR's planners meeting.
- January 24 SeaTac — 9 a.m. to 3 p.m.

Registrations

To register for the Mount Vernon meeting, call Amy Magnum at 360-354-5532. For information on the other meetings, call 360-753-2222.

Clark County amends new permit system to comply with ESHB 1724

By Robert Higbie
Clark County Senior Planner

What changes should be made when review for a permit and its accompanying environmental review are completed within the timelines of ESHB 1724, with predictability and consistency, but under a different process?

Clark County completed an exhaustive, and expensive, process in December 1994 to revise its land development review process.

The development review philosophy of the new process assumes:

- The applicant will have preapplication review and will submit a complete application and environmental checklist based on that conference.
- County staff will comment on the application early in the process, make a determination that the application is complete, schedule the hearing, if required, for the earliest possible date, and prepare a staff decision or recommendation.
- Environmental mitigations will be limited to those that cannot be mitigated by existing law and will likely cause a significant adverse impact on the environment if not mitigated.

Now, one planner, instead of two, completes and coordinates all comments and responses to all project issues. Issues are brought to a multidisciplinary team immediately after submission and again within several weeks of application.

Based on these meetings, "good" applications are determined to be complete within 10 to 15 days from the date submitted and public hearings are scheduled immediately so they are held within 90 days of the date of application, regardless of whether additional information is requested from the applicant. If the

needed information can't be developed in a timely manner, a staff report is written based on available information.

The applicant has the option of requesting a continuance of the hearing from the hearing examiner, at the cost of additional fees, to develop more detailed information.

Because of the major investment Clark County made in the process, and the general consensus that it works, we plan to modify the procedures only to the extent required to comply with the ESHB 1724 except for one aspect. ESHB 1724 requires environmental and development review to be consolidated. We intend to combine, to the extent legally allowed, the land use application and environmental checklist into one form and to consolidate the SEPA analysis and the development review analysis into one report. It will be coordinated and prepared by one planner, for all land use applications which do not warrant a determination of significance.

The purpose of this consolidation is to start toward a true, single process of reviewing applications. Combining the forms and reports is intended to focus the debate on applications to real issues and away from procedural and technical issues used to delay but seldom to stop developments which are designed to meet the law.

We also intend to develop application materials which clearly communicate how the review process works, what information is necessary to be acceptable, and what timelines can be anticipated.

To track compliance with local and ESHB 1724 review timelines, the only realistic method for the volume and diversity of applications is a computer program. Clark County's will need to be modified to reflect time periods that "count" and those that do not under ESHB 1724.

State land use code to be developed

By Harry Reinert, Executive Director,
Land Use Study Commission

Looking at ways to better integrate the state's land use and environmental laws was the charge of the Governor's Task Force on Regulatory Reform appointed in 1993. In its final report in December 1995, the task force recognized that improvements in the land use process would not occur overnight.

The task force also recognized that real improvements require a continuing review process to evaluate the effect of its recommendations. To conduct this review, the task force recommended the creation of the Land Use Study Commission. The Legislature adopted ESHB 1724 which contained this provision.

The commission's mission is to develop a state land use code that integrates and coordinates the state's land use and environmental laws. Within this framework, the commission will review existing efforts at consolidation and integration and identify changes needed to allow for growth while protecting the state's environment.

The commission also will review local government permit processes and evaluate funding mechanisms to allow them to pay for integrated planning and environmental review.

Commission appointments were announced in September. T. Ryan Durkan, an attorney with the Seattle law firm Hillis, Clark, Martin & Peterson, is the commission chair.

Meeting four times since its appointment, the commission will meet at least monthly through the first half of 1996. It is focusing its early efforts on reviewing prior state efforts at improving land use and environmental processes. The commission also will hear the concerns of the Legislature, public, and others on the current land use system. After this initial review, the commission will refine its workplan.

For information, call Harry Reinert at 360-753-4316 or 206-464-6282, or Julie Knackstedt at 360-586-1274 or via e-mail at: landuse@wln.com.

Ecology's role under ESHB 1724

ESHB 1724 is a sweeping land use regulatory reform law. For Ecology, the most important reforms are changes to the State Environmental Policy Act's role in land use process, integration of the Shoreline Management Act with Growth Management Act, and establishment of a Permit Assistance Center.

The 1995 legislative amendments to shoreline management are the most significant changes since it was passed in 1972. Local governments are required to integrate shoreline and growth management planning, streamline permits and appeals, and improve public involvement.

Although the reform law doesn't change SMA's basic policy or governing structure, most of its administration is modified. Ecology plans to consolidate eight shoreline chapters of the Washington Administrative Code into three: 1) streamlining permit and enforcement procedures (April 1996); 2) clarifying jurisdiction and definitions for wetlands, streams, and lakes (July 1996); and 3) updating shoreline master programs (December 1996).

Under the new law, SEPA is to be used as a back-up system to fill in gaps. GMA plans and regulations and other environmental laws should be the primary means of environmental analysis and protection. If comprehensive plans and regulations adequately address project impacts, no additional environmental impact statement or project mitigation may be required.

The departments of Ecology and Community, Trade and Economic Development will jointly adopt rules for SEPA/GMA integration. An advisory committee is working to address issues and concerns.

The schedule for rule amendments is: public review, March 1996; public hearings, June 1996; and adoption, August 1996.

Interim guidance on a consolidated environmental review and permit process will be provided to local governments by Ecology and CTED in January 1996, since local governments are required to adopt a process by March 31, 1996.

ESHB 1724 repealed the Environmental Procedures Coordination Act and created the Permit Assistance Center at Ecology. The center provides permit information and assistance, facilitates project review and coordination, and gathers information on improving permit processes. PAC staff will be developing procedural rules.

City's new permit system builds on strengths of existing system

By Pete Friedman
Mill Creek Senior Planner

Mill Creek's primary strategy to meet the permit consolidation requirements under ESHB 1724 is to combine the administrative, review, and appeal procedures in the current zoning and subdivision ordinances, the building code, and environmental regulations into a new ordinance called Development Code Administration.

The new ordinance format is sequential, starting with an introduction explaining the purpose of the process, followed by the definitions, roles and responsibilities of the boards and commissions, application requirements, the review and approval process, public notice, and appeals. The new ordinance will include a graphic illustration of the review process.

Mill Creek isn't changing its procedures significantly. We've added ESHB 1724 timelines and additional notices. However, we've been doing many things required by the new permit law all along, including preapplication meetings and letters of completeness.

One significant change will be the reference to planned action as authorized by ESHB 1724. It won't affect routine development, such as binding site plans and plats. It's aimed at larger actions, such as our Town Center plan.

In addition, the hearing process will change. Currently the planning commission holds hearings on all new developments and makes recommendations to the city council. If the council wants a major change, another public hearing is held. Under ESHB 1724, the council will not need to hold a second hearing. The open record hearing will be before the planning commission and the closed record appeal, if any, will be before the city council.

For an appeal of a determination of significance, we'll have an open record hearing, and also an open record hearing

on the development. Once the environmental review issue is resolved, Mill Creek will have as many preapplication meetings as is needed.

Compliance with the new law's requirement for notice of a complete application in 28 days is not a problem. We've been issuing letters of completeness for at least three years.

On meeting the 120-day requirement for permit approval, it's going to be tight. We'll have to work faster. The key will be communicating the application requirements and the level of detail needed in the preapplication process.

I don't think we'll have major difficulties complying with ESHB 1724, but there will be more paperwork on our part. Obviously we'll have additional notices to prepare and post.

We expect to have no major problems meeting the State Environmental Policy Act changes. We've been functioning within the spirit of the law for a long time. Because we have a small staff, we've always had one person as the permit coordinator.

For public involvement in developing our ESHB 1724 process, we have had two workshops before the planning commission and a public hearing.

In summary, we can write an ordinance that is in technical compliance with ESHB 1724. However, the key element in making it work is attitude. The city has a strong customer service orientation. This combined with clear communication on permit submittal requirements as well as the type and quality of development that the community expects is what makes the process work.

An appeal of a determination of significance will occur before a decision on a proposed action. We will hold a hearing on the appeal, resolve the environmental issues, and hold another open record hearing on the development.

Olympia's new system offers permitting choices

By Steve Friddle
Olympia Senior Planner

For Olympia, the challenge of regulatory reform is to consolidate our administrative, environmental review, site plan review, design review, engineering, building, and hearing examiner permit process into 120-days with one decision and one appeal.

The message from our customers was that our existing "staged" permit review process is preferred since it allows the applicant to obtain discretionary land use approvals before costly engineering and architectural plans are initiated.

In December, the city adopted an ordinance that retains a staged permit review process. It also provides the state mandated process that features one application, one permit coordinator, one determination whether the application is complete, one notice, one comment period, one open record hearing (if required), one decision, and one closed record appeal. This process includes all discretionary land use approvals and engineering and building permits.

The city will restructure its exiting process into a staged review to include:

Land use approval will consolidate concept design review, SEPA, site plan review, and hearings examiner review, if required, into one decision. The Site Plan Review Committee will issue the decision if the proposal doesn't require an open record hearing; or the committee will prepare a recommendation to the hearing examiner, if a public hearing is required.

For proposals that don't require a hearing, the committee decision will be appealable to the hearings examiner. If appealed, the examiner will conduct an open record appeal hearing and issue a written decision. For proposals that require a hearing, the examiner's decision is appealable to the city council. The council will conduct a closed record appeal.

For engineering permits, the development engineer will issue the permit. The decision to issue a permit will be appealable to the hearing examiner. The examiner will conduct

written decision. The examiner's decision can be appealed to the city council.

Because engineering or building appeals may generate technical issues, the examiner will have the authority to obtain technical expert assistance when considering such appeals.

Administratively, the city has taken several steps to consolidate environmental review with the associated permit review. The applicant applies for both a SEPA determination and a permit simultaneously. The project planner and environmental



Olympia staff are completing work on the city's permitting system under ESHB 1724.

an open record appeal hearing and issue a written decision. The examiner's decision could be appealed to the city council.

The building official will issue the building permit. Detailed design review dealing with color, materials, and other design aspects before the Design Review Board will be incorporated into this process.

The decision to issue a permit can be appealed to the hearing examiner. The examiner will conduct an open record appeal hearing and issue a

review officer review the application simultaneously. This will take enhanced coordination so these planners can appropriately sequence their decisions.

One major change is to make the Design Review Board advisory to the Site Plan Review Committee. The board will have less formal public meetings and forward its recommendations to the committee.

The Site Plan Review Committee will be expanded to include the environmental review officer.

ESHB 1724's approach questioned

ESHB 1724, with its one open record hearing requirement on permit applications, is causing problems in small communities, said Margaret Fleek, planning director for Burlington.

"Citizens feel cut off from small town officials," said Fleek. "The issue is why have elected officials if you can't talk to them." Also, the planning commission doesn't want to be the final decision-making body on quasi-judicial matters, she added. It's important in small jurisdictions to involve the planning commission in important land use decisions. They're the only body educated in land use.

In 1992, Burlington adopted a consolidated permit system. Approving permit applications in 120 days isn't a problem.

Darcey Fugman-Small, Walla Walla County planning director, doesn't disagree with the basic idea of ESHB 1724, but the law's requirements for notification, formal letters, and tracking are difficult for a small jurisdiction. Walla Walla County will be spending more time and money to do the same thing, Fugman-Small said.

Since the county advertises in a weekly paper, ESHB 1724's notification process will add another week to the permit review process.

Permit turnaround time isn't an issue in unincorporated Walla Walla County, population 35,000. "If I took 120 days to process a permit, I'd be out the door," Fugman-Small said. "We're trying to fix something that isn't broken."

Writing letters on whether an application is complete will take more staff time. Currently, if the information is not complete, developers are called the week after staff review the application.

Walla Walla County's permit tracking system includes a "white board" that lists the status of permits. "It's real successful," Fugman-Small said, adding the county will continue using this system rather than spending funds on a computerized system.

Citizens in Walla Walla County also want the opportunity to speak to their elected officials about permit applications.

Pierce Co. meets ESHB 1724 challenge

By Sean Gaffney
Senior Planner, Pierce County

The first task Pierce County faced was scrutinizing the 106 pages of ESHB 1724 and converting it into a manageable reference document. We created a table which summarized key provisions and deadlines. In addition, we devised a timeline for various parts of the new law.

As a level of familiarity developed with ESHB 1724's requirements, we analyzed existing processes and regulations to determine areas of compliance and inconsistency. The key provisions of the ESHB 1724 were again placed into a table format with an added column for correlating county regulations. This matrix specifically cross-references the ESHB 1724 provisions to the applicable existing regulations.

Once this analysis was complete, an interdepartmental team met. The team discussion focused on three main topics: complete applications, application submittals and resubmittals, and the consolidated permit process. The overriding concept behind all discussions was processing permit applications within 120 days.

Our proposed method for integration of ESHB 1724 places a greater emphasis on preliminary reviews to ensure applicants understand their options and what is required to submit a complete application. This would include offering choices to applicants on how they want their permits processed, i.e., consolidated or single track.

Our application submittal standards will be updated to clarify what information is required to file a complete application. We also plan to improve our internal review process and tracking system to ensure a Notice of Final Decision is issued within the 120-day time period.

Recognizing the importance of citizen involvement, an initial public hearing is scheduled early in January on Pierce County's ESHB 1724 strategy. When the draft amendments are complete, they will be presented to a citizens' advisory committee. This committee will complete its

review by January 30. Its recommendations will be evaluated and reflected in the draft amendments that will be forwarded to the Pierce County Planning Commission.

Pierce County has been updating its permitting process over the past 10 years. Many of these changes have served the county well in light of the provisions of ESHB 1724. Some of these efforts included combining appeals with the project permit, adopting a hearing examiner system, and processing multiple permits concurrently.

With or without the mandate of ESHB 1724, Pierce County will continue to refine and upgrade our existing permit process in order to meet the high permit demand as well as improve our quality of customer service. The advent of ESHB 1724 simply validates our constant efforts.

Kennewick develops matrix

CONTINUED FROM PAGE 1.

Spend some time answering the following questions to prepare for consolidating your permitting and environmental processes.

- Have we organized our existing processes into logical categories so that we understand them?
- Have we designed and implemented our notice of completeness which we should already be using?
- Have we started talking to our council or commission to prepare them for the changes that need to be made?
- Are we working closely with our legal counsel to develop the changes so they are internally and externally consistent?
- Have we planned when and how we will prepare, include, or inform the public and others of the new processes or changes?

Growth management hearings boards

Listed below are new cases or action on existing cases before the state's growth management hearings boards.

Central Puget Sound

CASE NO. 95-3-0008 STATUS: DECISION 12/1/95
Vashon-Maury Island et al. vs. King County. Subject: Some challenged portions of the comprehensive plan returned for compliance.

CASE NO. 95-3-0016 STATUS: COMPLIANCE DEADLINE 4/3/96

Gig Harbor et al. vs. Pierce County. The board found the county's plan is in compliance with the GMA except for these sections returned for changes: 1) define and map open space/greenbelts; 2) establish criteria to prohibit urban uses in rural areas and remove two rural activity center designations; and 3) amend the Rural 5 designation to prevent urban growth.

CASE NO. 95-3-0039 STATUS: COMPLIANCE DEADLINE 4/3/96.

City of Bremerton et al. vs. Kitsap County. Subject: The board found the comprehensive plan and implementing regulations are not in compliance with the GMA and are found entirely invalid. The plans fatal flaws are returned to the county for correction, including: 1) the excess population projection for the wrong year; 2) improper planning for urban growth in the rural area; 3) lack of a capital facilities element; and 4) lack of process for providing public facilities. Other issues include order for including lands within the final UGA, land supply market factor, and lot sizes. Superior Court appeals.

CASE NO. 95-3-0041 STATUS: COMPLIANCE BY 1/8/96

Alberg et al. vs. King County. The board found: 1) the mineral land regulations challenged are in compliance with the GMA; and 2) Appendix N thwarts the preservation and continued viability of agricultural land and agricultural uses on that land.

CASE NO. 95-3-0043 STATUS: COMPLIANCE RULINGS 8/21/95, 11/3/95

Hensley et al. vs. Snohomish County. Subject: Comprehensive plan and development regulations. Finding of compliance for plan and UGA boundaries; finding of noncompliance for development regulations

CASE NO. 95-3-0044 STATUS: FINDING OF COMPLIANCE 10/27/95

Concerned Citizens for Sky Valley vs. City of Gold Bar. Subject: Resource lands and critical areas.

CASE NO. 95-3-0047 STATUS: DECISION 12/6/95

Pilchuck Audubon Society et al. vs. Snohomish County. Subject: Certain challenged parts of the county's critical areas ordinance were returned for compliance.

CASE NO. 95-3-0049 STATUS: DISMISSED 10/24/95

Reid vs. City of Issaquah. Subject: Mineral resource lands.

CASE NO. 95-3-0050 STATUS: APPEAL

Burlington Northern Railroad vs. City of Auburn. Siting of essential public facility. Superior Court appeal.

CASE NO. 95-3-0053 STATUS: DECISION 1/8/96

Association to Protect Anderson Creek et al. vs. City of Bremerton. Subject: Critical areas.

CASE NO. 95-3-0055 STATUS: DISMISSED 9/20/95

South Bellevue Limited Partnership and South Bellevue Development Inc. vs. City of Bellevue and Issaquah School District No. 411. Subject: School impact fees. Superior Court appeal.

CASE NO. 95-3-0056 STATUS: DECISION 2/13/96

Agriculture for Tomorrow vs. City of Arlington. Subject: Comprehensive plan.

CASE NO. 95-3-0057 STATUS: DISMISSED 10/24/96; APPEALED IN SUPERIOR COURT

Douglas and Donna Tait et al. vs. City of Buckley. Subject: Comprehensive plan.

CASE NO. 95-3-0058 STATUS: DISMISSED 10/27/95

Jon Salisbury et al. vs. Bonney Lake. Subject: Capital facilities element of comprehensive plan.

CASE NO. 95-3-0068 STATUS: HEARING 1/16-17/96

Sky Valley et al. vs. Snohomish County. Subject: Comprehensive plan, final UGAs, and development regulations.

CASE NO. 95-3-0070 STATUS: DISMISSED 9/19/95

South Lake Union Defense Fund vs. City of Seattle. City's Commons plan.

CASE NO. 95-3-0071 STATUS: HEARING 1/30/96

Peninsula Neighborhood Association vs. Pierce County. Subject: Density in rural areas.

CASE NO. 95-3-0072 STATUS: HEARING 1/31/96

Benaroya et al. vs. City of Redmond. Subject: Certain agricultural designations.

CASE NO. 95-3-0073 STATUS: HEARING 2/8/96

West Seattle Defense Fund et al. vs. City of Seattle. Subject: Comprehensive plan amendments.

CASE NO. 95-3-0075 STATUS: HEARING 3/5/96

Hapsmith Co. et al. vs. City of Auburn. Subject: Comprehensive plan.

CASE NO. 95-3-0076 STATUS: HEARING 3/27/96

Shulman vs. City of Bellevue. Subject: Land use designations.

Western Washington

CASE NO. 95-2-0073 STATUS: DECISION 1/10/96

John Diehl et al. vs. Mason County. Subject: Resource lands and interim UGAs.

CASE NO. 95-2-0074 STATUS: WITHDRAWN 8/28/95

Pope Resources vs. Jefferson County. Subject: Forest lands.

CASE NO. 95-2-0075 STATUS: DECISION 1/24/96

Friends of Skagit County vs. Skagit County. Subject: Resource lands and critical areas.

CASE NO. 95-2-0076 STATUS: DECISION 1/30/96

Seaview Coast Conservation Coalition vs. Pacific County. Subject: Resource lands and critical areas.

CASE NO. 95-2-0077 STATUS: DISMISSED 8/23/95

Washington Department of Natural Resources vs. Jefferson County. Subject: Interim designation and regulation of forest resource lands.

CASE NO. 95-2-0078 STATUS: DISMISSED 8/16/95

James Schlatter vs. Clark County. Subject: Property rights.

CASE NO. 95-2-0079 STATUS: DISMISSED 9/20/95

Friends of Skagit County vs. Skagit County. Subject: UGAs.

CASE NO. 95-2-0081 STATUS: DECISION 2/26/96

Ron Beckstrom et al. vs. San Juan County. Subject: Subarea plan.

CASE NO. 95-2-0082 STATUS: DECISION 3/11/96

Donna and Thomas Armstrong vs. Clark County. Subject: Water supply ordinance.

CASE NO. 95-2-0083 STATUS: HEARING 2/6/96

Cedar Park Residents Association and City of Port Angeles vs. Clallam County. Subject: UGA and urban services and facilities.

Eastern Washington

CASE NO. 94-1-0015 STATUS: HEARING 12/18/95

Save Out Butte Save Our Basin Society vs. Chelan County. Subject: Invalidity.

CASE NO. 94-1-0022 STATUS: DECISION 12/21/95

Yakama Indian Nation vs. Kittitas County. Subject: Critical areas' compliance.

CASE NO. 95-1-0025 STATUS: COMPLIANCE FINDING

Mike Williams et al. vs. City of Ellensburg. Subject: Found in compliance procedurally.

CASE NO. 95-1-0005 STATUS: PETITION WITHDRAWN

Thomas Frost vs. Spokane County. Subject: Resource lands.

CASE NO. 95-1-0007 STATUS: HEARING 2/8/96

Kittitas County vs. City of Ellensburg. Subject: Comprehensive plan. In mediation.

CASE NO. 95-1-0008 STATUS: HEARING 12/14/95

City of Ellensburg et al. vs. Kittitas County. Subject: Agricultural lands.

CASE NO. 95-1-0010 STATUS: HEARING 12/14/95

Gary Woodmansee and Concerned Friends of Ferry County vs. Ferry County. Subject: Critical areas, resource lands, and GMA goals.

Groups looking for changes from new permit law

What do developers, environmental groups, and real estate agents expect from the passage of ESHB 1724?

"The land use planning process is more complex than it needs to be," said Jim Williams, executive director, Master Builders of King and Snohomish Counties. ESHB 1724 offers local governments a way to streamline the process and just say "yes." A quick "no" isn't quite as satisfying as "yes," but it's better than getting strung out in the process.

Lengthy approval processes add considerably to the cost of houses. Today's homeowners are averaging \$1,800 a month in payments. Current permit processing adds considerably to the costs, along with taxes and impact fees.

With the 120-day permit turnaround time for Growth Management Act communities, developers know what to expect. "Developers have a right to clarity about the regulations for their project," said Williams.

Preapplication meetings are another concern. Developers want to go through this process only once. If procedure are explained and developers know what to provide, repetitive meetings can be avoided.

Area-wide environmental impact statements, such as the one developed by the city of Everett, will reduce environmental review for projects. "We are interested in making housing affordable," said Williams. "We need clear, concise permitting that efficiently reduces lengthy process times. The 120-day permit turnaround will help in this effort."

1000 Friends of Washington sees ESHB 1724 as a means to bring about the promise of the Growth Management Act by doing away with overlaps between the GMA and environmental laws, said Tracy Burrows, planner for the organization.

1000 Friends expects local governments to be more creative in the way they involve citizens. The group offers a booklet on the new permit law. "When the signs go up, it's too late," said Burrows. "We are informing citizens that they need to get involved early."

It's difficult for citizens to visualize projects that will be built later when a subarea plan or a comprehensive plan amendment is approved, she added. New technology such as video imaging and build-out maps will help.

The barriers between citizens and planners need to be broken down, said Burrows. "People have a lack of confidence in government. They aren't going to be involved 'up front,' if they don't trust government."

If local governments do a good job under ESHB 1724, they will not have to face another unreasonable property rights measure, she added.

Permit regulatory reform under ESHB 1724 offers a way to cut permit processing time. "Citizens' groups will see if it works for them," Burrows said.

ESHB 1724 will benefit the real estate industry, said Mike Spence, attorney and lobbyist for the Seattle-King County Association of Realtors. "We're pleased everyone is taking it seriously."

Realtors are dealing with buyers and sellers, Spence said. They want to know what property is worth and what the owner can or cannot do with it. "A clear and concise permit and planning process helps."

The requirement under ESHB 1724 to "docket" suggested comprehensive plan amendments is helpful. Combining permit and environmental review under ESHB 1724 should work if it is well publicized in easy to understand layman's terms.

Spence suggests that planning departments not wait the full 28 days to let a client know if an application is complete. "Call them, if you know sooner. It will save hostility."

He would also like to see permit processors be honest about using exemptions to the 120-day permit approval requirement. "If we can get to 'yes' in 120 days, everyone wins."



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